

David C. Hovda et al  
Application No.: 09/963,736  
Reply to Office Action mailed 06/13/2005  
Page 2 of 6

Atty Docket: E-5-2

### CLAIMS

*The claims and their status in the Application are as follows:*

#### CLAIMS:

1. - 25. (Canceled).

Claim 26 (Previously presented): An apparatus for applying electrical energy to an enlarged body structure at a target site within or on a patient's body, the apparatus comprising:

an electrosurgical instrument having a shaft with a proximal end portion and a rigid distal end portion;

a first electrode terminal disposed at the tip of the rigid distal end portion of the shaft and defining a distal point; and

a return electrode, said return electrode forming a portion of the shaft, wherein the first electrode terminal and the return electrode are adapted for connection to a high frequency power supply coupled to the first electrode terminal and the return electrode for applying a voltage difference therebetween, the voltage difference being sufficient to volumetrically remove at least a portion of an enlarged body structure to reduce a size of the enlarged body structure.

Claim 27 (Previously presented): The apparatus of claim 26, further comprising a fluid delivery element adapted for defining a fluid path in electrical contact with the return electrode and the first electrode terminal to generate a current flow path between the return electrode and the first electrode terminal.

Claim 28 (Previously presented): The apparatus of claim 26, wherein the rigid distal end portion of the shaft is sized for delivery into a paranasal sinus of the patient.

Claim 29 (Previously presented): The apparatus of claim 26, wherein the apparatus is adapted to treat tissue selected from the group consisting of swollen tissue,

David C. Hovda et al  
Application No.: 09/963,736  
Reply to Office Action mailed 06/13/2005  
Page 3 of 6

Atty Docket: E-5-2

turbinates, polyps, neoplasms, cartilage and swollen mucus membranes lining an inner surface of the nasal cavity.

Claim 30 (Previously presented): The apparatus of claim 26, wherein the rigid distal end portion of the shaft has a diameter less than 2 mm.

Claim 31 (Previously presented): The apparatus of claim 26, wherein the rigid distal end portion of the shaft has a diameter less than 1 mm.

Claim 32 (Previously presented): The apparatus of claim 26, wherein the return electrode has a tubular shape.

Claim 33 (Previously presented): The apparatus of claim 26, further including a first insulating member positioned between the return electrode and the first electrode terminal, the return electrode being sufficiently spaced from the first electrode terminal to minimize direct contact between the return electrode and a body structure at the target site when the first electrode terminal is positioned in close proximity or in partial contact with the body structure.

Claim 34 (Previously presented): The apparatus of claim 27, wherein the return electrode comprises a tubular member and the fluid delivery element comprises an axial lumen coupled to the return electrode, the axial lumen forming at least a portion of the fluid path and having an outlet in fluid communication with the first electrode terminal.

Claim 35 (Previously presented): The apparatus of claim 27, wherein the fluid delivery element comprises a fluid tube extending along an outer surface of the shaft, the tube having an inlet positioned proximal to the return electrode, wherein the return electrode is spaced proximally from the first electrode terminal.

David C. Hovda et al  
Application No.: 09/963,736  
Reply to Office Action mailed 06/13/2005  
Page 4 of 6

Atty Docket: E-5-2

Claim 36 (Previously presented): The apparatus of claim 27, wherein the fluid delivery element comprises a fluid supply instrument.

Claim 37 (Previously presented): The apparatus of claim 27, wherein the first electrode terminal comprises an electrode array disposed at the tip of the rigid distal end portion of the shaft, the array including a plurality of first electrically isolated electrode terminals disposed over a contact surface.

Claim 38 (Previously presented): The apparatus of claim 27, wherein the first electrode terminal comprises a single active electrode disposed at the tip of the rigid distal end portion of the shaft.

Claim 39 (Previously presented): The apparatus of claim 37, further comprising a plurality of current limiting elements each coupled to one of the first electrode terminals for independently controlling current flow to each of the first electrode terminals to inhibit power dissipation into the medium surrounding the target site.

Claim 40 (Previously presented): The apparatus of claim 26, further comprising a fluid aspiration element for aspirating fluid from the target site.

Claim 41 (Previously presented): The apparatus of claim 40, wherein the fluid aspiration element comprises a suction lumen extending through the shaft, the suction lumen having an inlet near the distal tip of the shaft adjacent the first electrode terminal.

Claim 42 (Previously presented): The apparatus of claim 33, further comprising a second insulating member disposed proximate to the return electrode, and a second electrode terminal disposed proximate to the second insulating member.

Claim 43 (Previously presented): The apparatus of claim 42, wherein the first and second electrode terminals are adapted for receiving independent high frequency voltage supply.

David C. Hovda et al  
Application No.: 09/963,736  
Reply to Office Action mailed 06/13/2005  
Page 5 of 6

Atty Docket: E-5-2

Claim 44 (Currently amended): The apparatus of claim 26, [1.] wherein said distal end portion of the shaft comprises a [~~flexible~~] material which can be deflected relative to the longitudinal axis of the shaft to define a distal bend portion relative to the proximal end portion.

Claim 45: (Previously presented) The apparatus of claim 44, wherein the active electrode member is tapered towards the distal end to define a sharp point at the distal end.

Claim 46 (Previously presented): The apparatus of claim 44, wherein the distal end portion of the shaft comprises a bend angle of about 10° to 90°.

Claim 47. (New) The apparatus of claim 42, wherein said second electrode terminal and said return electrode terminal are connected to said power supply such that tissue in contact of the second electrode terminal is coagulated.